

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HONG MANH NGUYEN,)
Plaintiff,)
vs.) Civil Action No. 14-683
RIVER CASINO,) Magistrate Judge Maureen P. Kelly
Defendant.) Re: ECF No. 4

ORDER

Hong Manh Nguyen (“Plaintiff”) has filed a Motion for Leave to Proceed In Forma Pauperis (“the IFP Motion”) in order to prosecute a civil complaint against “River Casino,” a gaming establishment in Pittsburgh, Pennsylvania. Because the record disclosed that Plaintiff had expended substantial amounts of money at the Casino over the course of several months, and indeed, spent over \$1,800.00 at the Casino in the course of merely two hours during the early morning hours of May 26, 2014, ECF No. 1-1, demonstrating that Plaintiff had adequate assets to pay the filing fee, the Court denied Plaintiff’s IFP Motion and gave Plaintiff until September 8, 2014 to pay the filing fee or have the case dismissed for his failure to prosecute. ECF No. 3.

Rather than pay the filing fee, Plaintiff has filed a Motion to Bill the Plaintiff Later or Motion to have River Casino pay for the Court cost of this Action (the “Motion”). ECF No. 4. While Plaintiff asserts in the Motion that there are four people in his family and only one person is working, it appears from Plaintiff’s spending habits at the Casino, that the one person who is working has generated sufficient income so as to enable Plaintiff sufficient disposable income to spend freely at the casino and, in the Court’s view, sufficient income to enable Plaintiff to pay the filing fee of \$400.00 to pursue this suit. Accordingly the Motion is hereby **DENIED**.

Plaintiff is reminded that he must pay the \$400.00 filing fee by September 8, 2014 or this case will be dismissed for failure to prosecute without further warning.

In accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rule 72.C.2 of the Local Rules of Court, the parties are allowed fourteen (14) days from the date of this Order to file an appeal to the District Judge which includes the basis for objection to this Order. Any appeal is to be submitted to the Clerk of Court, United States District Court, 700 Grant Street, Room 3110, Pittsburgh, PA 15219. Failure to file a timely appeal will constitute a waiver of any appellate rights.

Date: September 2, 2014

BY THE COURT,

/s/Maureen P. Kelly
MAUREEN P. KELLY
U.S. MAGISTRATE JUDGE

cc: Hong Manh Nguyen
952 Sleepy Hollow Road
Castle Shannon, PA 15234